

### **REMARKS**

Claims 1-20 are pending in this application with claims 1-6, 12, 13 and 18 being amended by this response. Claim 1 has been amended to further define the claimed invention. Support for the amendments to claim 1 is found throughout the specification, more specifically in Figure 2 and the corresponding detailed description thereof on pages 16 – 18. Applicant respectfully submits that no new matter is added by the amendments to claim 1.

#### **Objection to the Information Disclosure Statement**

A document listed on the Information Disclosure Statement having Serial No. 20020037999 was not considered because the Patent No. does not correspond to the name of the Patentee or Applicant of the cited document. Applicant respectfully submits a new Information Disclosure Statement that complies with 37 CFR 1.97(e) that properly identifies the miss-identified Patent Application. Therefore, Applicant respectfully requests that this reference be considered.

#### **Rejection of claims 1 – 20 under 35 USC 112, second paragraph**

Claims 1 – 20 are rejected under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected because the feature “said plurality of physical storage datasets, comprising said first physical storage dataset, each of said plurality of physical storage datasets, comprising an end storage address, each of said plurality of physical storage datasets, having predetermined storage capacities” is considered indefinite. Claim 1 has been amended to remove this feature and further clarify the subject matter which Applicant regards as the invention. Consequently, Applicant respectfully requests that this rejection be withdrawn.

Claims 6, 12 and 18 are rejected because the feature “a plurality of physical storage datasets individually having predetermined storage capacity” is deemed unclear. Applicant respectfully submits that the claimed feature in each of claims 6, 12 and 18 has been formally amended in accordance with the Examiner’s suggestion on page 3 of the Rejection. Consequently, Applicant respectfully requests that this rejection be withdrawn.

In view of the above remarks and amendments to claims 1, 6, 12 and 18, Applicant respectfully submits that this rejection has been satisfied and should be withdrawn.

**Rejection of Claims 1, 2, 4 and 5 under 35 USC 101**

Claims 1, 2, 4 and 5 are rejected under 35 USC 101 because the invention is directed towards non-statutory subject matter because the method does not produce a useful, concrete and tangible result.

The Rejection indicates on page 4 that the feature of “storing” claimed in claim 3 is considered patentable subject matter. Therefore, claim 1 has been amended to include the activity of “storing an identifier”, “sequentially storing data”, “monitoring said sequential storage” and “continuing said sequential storage”. Claim 1 is also amended to further provide that the claimed method is “employed by a processing device”. Applicant respectfully submits that the activities in amended claim 1 comply with the statutory requirement of 35 USC 101. Claims 4 and 5 have also been amended to include activities that comply with 35 USC 101 and are similarly considered patentable subject matter. In view of the above remarks and amendments to the claims, Applicant respectfully submits that this rejection has been satisfied and should be withdrawn.

**Rejection of Claims 1-9 11-15, 17-8 and 20 under 35 U.S.C. § 102(b)**

Claims 1-9, 11-15, 17-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brewer et al. (U.S. Patent No. 5,613,082).

Amended claim 1 recites a method for processing application program data for storage and retrieval employed by a processing device. A logical dataset is designated and encompasses a plurality of physical storage datasets, each of the plurality of physical storage datasets having a predetermined storage capacity. An identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset is stored. Data is sequentially stored in the logical dataset and is monitored. The monitoring of the sequential storage of data in the logical dataset determines an occurrence of data storage at a location

identified by the end storage address of the first physical storage dataset. Sequential storage of data is continued in a second physical storage dataset of the logical dataset starting at an address subsequent to the end storage address. Brewster, for the reasons presented below, neither discloses nor suggests each of the above claimed features.

Brewster provides a data storage system that controls recording media by device independently of a host processor (see col. 1, lines 31 – 15). Specifically, the Brewster system does not use the host processor or host processor executed software to create, update and manage internal data structures (col. 1, lines 62 – 66). Brewster describes a “peripheral device, such as a magnetic tape drive [having] a reel tachometer indicator that meters magnetic tape displacement and addressability of a magnetic tape that facilitates high speed searching or locating data blocks” (see col. 2, lines 48 – 52). Brewster further provides a “directory of peripheral drive readable ‘end-of-data’ (EOD) data block or tape mark [that] enables high speed locate to the last written EOD that signifies the end of data of a record medium” and which also may be used to locate “end of data in so-called partitions in a magnetic tape” (col. 3, lines 12 – 16). The Brewster system is wholly unlike and unrelated to the operation of the present claimed system.

Applicant respectfully disagrees with the assertion on page 5 of the Rejection that states Brewster describes an “identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating an end of said predetermined storage capacity of said first physical storage dataset” as in the present claimed invention. Rather, column 3, lines 12 – 16 and column 8, lines 58 – 62 merely disclose the use of an “end of data block (EOD)” that identifies the end of recorded data on a medium. The EOD in Brewster enables high speed location of the end of the data in a particular partition on the magnetic tape. The EOD’s are simply place holders that “enables a fast locate to the end of recorded data on a tape” (col. 8, line 62). Brewster neither discloses nor suggests the use of an “identifier” that “indicates an end of said predetermined **storage capacity**” in a physical storage dataset as in the present claimed invention. The “identifier...indicating an end of said predetermined storage capacity” is used to facilitate sequential dataset storage across a “plurality of physical storage dataset” boundaries. In contrast to the EOD of Brewster is NOT equivalent to the claimed identifier that indicates an “end of capacity” in a physical storage dataset. Rather, the EOD in Brewster merely marks an address indicating the end of stored data. Moreover, in column 8, lines 33 – 35, Brewster describes that an EOD may be located at the beginning (not

end of storage capacity as in the present claimed arrangement) of the partition when the partition is empty. Therefore, it is respectfully submitted that the EOD of Brewster is merely an end of recorded data indicator and does not “indicate an end of said predetermined **storage capacity of said first physical storage dataset**” as in the present claimed invention.

Brewster discloses a system that avoids the use of the “host processor” or software executed by the “host processor” which is integrated within the operating system at the I/O subsystem level. This is in direct contrast with the present claimed method which “processes application program data for storage and retrieval employed by a processing device”. The present claimed invention operates on top of the computer operating system and therefore, operates on a different level than the “host processor software” in Brewster. Unlike Brewster, the present claimed system designates “a **logical dataset** encompassing a plurality of **physical datasets**” and “stor[es] an identifier identifying an end storage address ...indicating **an end of said predetermined storage capacity** of said first physical storage dataset”. Brewster provides no 35 USC 112 compliant enabling disclosure that indicates any concern for or handling of the claimed “identifier” which identifies an “end storage address” that correlates to the “end of said predetermined storage capacity” of a physical storage dataset. As defined in the present specification the term “logical” is a “user’s view of the way data is organized” and the term “physical” indicates “an operating system’s view of the way data is organized”. The claimed “identifier” facilitates sequential storage of data within a logical data set across different physical datasets. This feature or functionality is neither disclosed nor suggested by Brewster.

Brewster contemplates logical partitions located on a **single magnetic tape media** (see col. 5, lines 55 – 66). However, Brewster neither discloses nor suggests “a logical dataset encompassing a plurality of physical datasets, each of said plurality of physical datasets having a predetermined storage capacity” as in the present claimed invention. In fact, Brewster would not need, or be modified to, include this feature, as Brewster is concerned with removing the creation, update and maintenance functions from the host processor or host processor software (i.e. operating system). Brewster is concerned with allowing a peripheral device, and specifically a magnetic tape drive, to perform the above functions relating to data storage on the individual magnetic tape. Thus, Brewster fails to describe a “logical dataset” that includes a “plurality of physical storage datasets”. Applicant further respectfully disagrees with the sections cited in support of the Rejections assertion that Brewster describes

the claimed feature. The cited sections merely describe storing data in logical partitions on **a single physical medium**, i.e. a magnetic tape.

Applicant further respectfully submits that Brewster fails to disclose the activity of “sequentially storing data in said logical dataset” as in the claimed arrangement. Rather, in column 8, lines 22 – 36, Brewster defines a logical structure on a single magnetic tape that includes a plurality of sequentially numbered partitions. Additionally, column 12, lines 47 – 50 provide no additional or enabling 35 USC 112 compliant disclosure regarding how data is to be stored. Contrary to the claimed arrangement, the cited section of Brewster discloses creation of partitions which are stored in a partition directory and are then able to receive data. This is NOT “sequentially storing data in said logical dataset” as in the present claimed invention.

Moreover, as Brewster is not concerned with an address indicating the end of storage capacity of a respective physical storage dataset of a logical dataset, Brewster similarly provides no enabling disclosure of “monitoring said sequential storage...to determine an occurrence of data storage at a location identified by said end storage address” and “continuing said sequential storage of data in **a second physical storage dataset** at an address subsequent to said end storage address” as in the present claimed invention. Brewster is concerned with and defines a system unlike and unrelated to the present claimed system. The Brewster system includes a plurality of moveable EODs that identifies the last position at which data was recorded. The EODs are dependent location and are written without regard for the storage capacity of the device. Therefore, Applicant respectfully submits that Brewster fails to disclose each element of the present claimed invention and does not anticipate the present claimed invention. Consequently, it is respectfully requested that this rejection under 35 USC 102(b) be withdrawn.

Claim 2 is considered patentable because it is dependent on claim 1. Claim 2 is also considered patentable because Brewster neither discloses nor suggests “maintaining a plurality of identifiers in a repository identifying each end storage address of each physical storage dataset” as in the present claimed invention. The repository of the claimed invention maintains addresses which indicate the end of storage capacity for the physical storage datasets. As discussed above, Brewster neither discloses nor suggests “an identifier...indicating an end of said predetermined storage capacity of said first physical

storage dataset” as in the present claimed invention. Brewster is merely concerned with writing an EOD for each partition that shows the last position at which data was recorded. Therefore, any database in Brewster of EODs is not equivalent to “maintaining a plurality of identifiers in a repository” as in the present claimed invention. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

Claim 3 is considered patentable because of it is dependent on independent claim 1. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

Claim 4 is considered patentable because of it is dependent on independent claim 1. Claim 4 is also considered patentable because Brewster fails to disclose the activity of “monitoring the amount of storage used by the logical dataset to enable allocation of physical memory device resources to the logical dataset” as in the present claimed invention. Brewster provides no 35 USC 112 compliant enabling disclosure of this feature. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

Claim 5 is considered patentable because of it is dependent on independent claim 1. Claim 5 is also considered patentable because Brewster fails to disclose the activity of “continuing said sequential storage of data”. As discussed above, Brewster is silent with respect to how the data is stored. Instead, Brewster is concerned with where (i.e. the position at which) the data is stored. Additionally, as discussed above Brewster provides no enabling disclosure of an address that designates an end of storage **capacity for physical datasets encompassed within a logical dataset**. Thus, it is respectfully submitted that Brewster neither discloses nor suggests “extending the storage of data beyond a physical storage boundary of said first physical storage dataset in a subsequent physical storage dataset... at an address subsequent to said end storage address” as in the present claimed invention. As stated in column 11, lines 45 – 50, Brewster writes a new EOD when data has been recorded and the EOD is positioned downstream from that data. Thus, the EOD is a moveable mark that identifies an address where data was last written and is NOT equivalent to “an identifier...indicating an end of said predetermined storage capacity” of a physical storage dataset as in the present claimed invention. monitoring the amount of storage used by the logical dataset to enable allocation of physical memory device resources to the logical dataset” as in the present claimed invention. Brewster provides no 35 USC 112 compliant

enabling disclosure of this feature. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

Independent claim 6 is considered patentable because of the reasons presented above with respect to claim 1. Claim 6 is also considered patentable because Brewster fails to disclose or suggest “maintaining an identifier identifying an end storage address of a first physical storage dataset of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset” as in the present claimed invention. As discussed above with respect to claim 1, Brewster is not concerned with controlling data storage over multiple physical storage datasets using an “address indicating an end of said predetermined storage capacity” of the physical dataset. Brewster provides no 35 USC 112 compliant enabling disclosure of this feature. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

Claims 7 – 9 and 11 are considered patentable because of they are dependent on independent claim 6. Claims 7 – 9 and 11 are also considered patentable because the features claimed therein relate to the “storage capacity” of “a physical storage dataset”. As discussed above, Brewster provides no 35 USC 112 compliant enabling disclosure regarding sequentially storing data using an end of storage capacity identifier for individual physical datasets encompassed within a logical dataset which facilitates sequential dataset storage across physical storage boundaries. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

Independent claim 12 is considered patentable for the reasons presented above with respect to claims 1 and 6. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

Claims 13 – 15 and 17 are considered patentable because they are dependent on independent claim 12. Claims 13 – 15 and 17 are also considered patentable because the features claimed therein relate to the “storage capacity” of “a physical storage dataset”. As discussed above, Brewster provides no 35 USC 112 compliant enabling disclosure regarding sequentially storing data using an end of storage capacity identifier for individual physical datasets encompassed within a logical dataset which facilitates sequential dataset storage

across physical storage boundaries. Consequently, it is respectfully requested that the rejection under 35 USC 102(b) be withdrawn.

Independent claim 18 is considered patentable for the reasons presented above with respect to claims 1 and 6. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

Claim 20 is considered patentable because of it is dependent on independent claim 18. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

In view of the above remarks and amendments to the claims, it is respectfully submitted that Brewster provide no 35 USC 112 compliant enabling disclosure that anticipates the invention claimed in claims 1, 6, 12 and 18. As claims 2 – 5 are dependent on claim 1, claims 7 – 9 and 11 are dependent on claim 6, claims 13 – 15 and 17 are dependent on claim 12 and claim 20 is dependent on claim 18, Applicant respectfully submits that these claims are similarly not anticipated by Brewster. Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

**Rejection of Claims 10, 16 and 19 under 35 U.S.C. § 103(a)**

Claims 10, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brewer et al. (U.S. Patent No. 5,613,082) in view of Plow (US 4,408,273).

Claim 10 is considered patentable because of it is dependent on independent claim 6. Claim 10 is also considered patentable because Brewster (with Plow) fails to disclose the features of the present claimed invention. Plow describes a system for cataloging datasets that are stored in a system catalog and which enables opening the datasets on shared volumes in a multi-processing environment (see col. 1, lines 6 – 10). Specifically, the Plow system describes cataloging a plurality of datasets for use by multiple users to prevent out of synch errors from occurring (see col. 4, line 65 – col. 5, line 10). Similarly to Brewster, Plow neither discloses nor suggests “designating a logical dataset encompassing a plurality of physical storage datasets individually having a predetermined storage capacity” as in the present claimed invention. Furthermore, Brewster (with Plow) fails to disclose or suggest “maintaining an identifier identifying an end storage address of a first physical storage dataset



of said logical dataset indicating end of said predetermined storage capacity of said first physical storage dataset” as in the present claimed invention. Brewster (with Plow) also neither disclose nor suggest “sequentially storing data in said logical dataset” and “monitoring said sequential storage of data in said logical dataset to determine an occurrence of data storage at a location identified by said end storage address of said first physical storage dataset” as in the present claimed invention. Brewster (with Plow) are not at all concerned with managing and storing data across a plurality of physical storage datasets encompassed by a single logical dataset.

Applicant respectfully submits that any combination of the systems disclosed by Brewster and Plow also would neither disclose the present claimed invention. Rather, the result of the combined system would enable positioned moveable EOD's on different partitions to indicate where data has last been written and catalog the EODs to enable a search and quick location of the EODs. As discussed above, this is wholly unlike and unrelated to the present claimed system. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

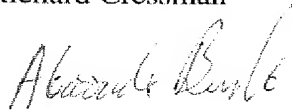
Claim 16 is considered patentable because of it is dependent on independent claim 12 and for the reasons presented above with respect to claim 10. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

Claim 19 is considered patentable because of it is dependent on independent claim 18 and for the reasons presented above with respect to claim 10. Consequently, it is respectfully requested that the rejection 35 USC 102(b) be withdrawn.

In view of the above remarks and amendments to the claims, it is respectfully submitted that Brewster alone or in combination with Plow provide no 35 USC 112 compliant enabling disclosure that makes the invention claimed in claims 6, 12 and 18 unpatentable. As claim 10 is dependent on claim 6, claim 16 is dependent on claim 12 and claim 19 is dependent on claim 18, Applicant respectfully submits that these claims are similarly not made unpatentable by Brewster (with Plow). Therefore, it is further respectfully submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,  
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